

**AMENDMENT TO THE DRAWINGS**

Figure 7 has been canceled.

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

**BASIS FOR THE AMENDMENT**

Figure 7 has been canceled.

The specification has been amended at page 101 to correct a minor typographical error as supported at page 101 and 102.

Figures 1 and 2 have been amended as supported by the specification and Figures as originally filed.

Claim 21 has been canceled.

Claim 4 has been amended as supported at page 39, lines 7-8, of the specification.

Claim 8 has been amended as supported at page 41, line 10 to page 42, line 10, of the specification.

Claim 9 has been amended as supported at page 43, lines 1 and 2 of the specification.

Claim 15 has been amended as supported at page 31, lines 13-16 of the specification.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-20 will now be active in this application. Claims 19 and 20 are withdrawn from consideration as being drawn to non-elected subject matter.

### **REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The rejection of Claim 21 as anticipated by Ohkubo is moot in view of the cancellation of this claim.

Regarding EP 1,319,992 Applicants note that it was published on June 18, 2003. Applicants provide herewith a Certified English Translation of JP 2002-205196 filed on July 15, 2002, in order to perfect their claim to priority. Thus, the rejection over EP '992 should be withdrawn.

Further, the present invention as set forth in **Claim 1** relates to an external additive for a toner for electrophotography comprising:

oxide fine particles which contain silicon, wherein the oxide fine particles have a primary particle diameter of 30 nm to 300 nm in number average, a standard deviation  $\sigma$  of a particle size distribution of the primary particle diameter satisfies a relation of:  $R/4 \leq \sigma \leq R$ , in which the R expresses the primary particle diameter, the oxide fine particles are substantially spherical having a circularity SF1 of 100 to 130 and a circularity SF2 of 100 to 125, the circularity SF1 is defined as an equation (1) and the circularity SF2 is defined as an equation (2);

$$SF1 = (L^2/A) \times (\pi/4) \times 100 \quad \text{equation (1)}$$

$$SF2 = (P^2/A) \times (1/4\pi) \times 100 \quad \text{equation (2)}$$

wherein "L" expresses the absolute maximum length of the oxide fine particles; "A" expresses a projected area of the oxide fine particles; and "P" expresses a maximum perimeter of the oxide fine particles.

Applicants submit herewith a Rule 132 Declaration showing that the oxide fine particles disclosed in Sugiura et al do not satisfy the requirements of the present invention.

Specifically, the oxide fine particles do not satisfy the circularity SF1 of 100 to 130 and the circularity SF2 of 100 to 125 as claimed in Claim 1. Thus, even if the oxide fine particles of Sugiura et al generally meet the compositional limitations they do not meet the requirement of circularity as claimed in the present invention.

Ishiyama and/or Kuramoto do not cure the defects of Sugiura et al (U.S. 2003/0031946). Therefore, the rejections of the Claims over Sugiura et al (U.S. 2003/0031946) combined with Ishiyama and/or Kuramoto is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claims 6, 8 and 15 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, is traversed in part. Regarding Claim 6, the Examiner is of the opinion that Si is not a metal. However, there are plenty of websites that indicate that Si is a metal-like substance. Two (2) attachments are enclosed with this amendment from [www.reade.com](http://www.reade.com) and [www.acialloys.com](http://www.acialloys.com) indicating that Si is a metal. For example, Reade Advanced Materials offers Silicon (Si) Metal Powder for sale. Thus, this rejection should be withdrawn. The rejections of Claims 8 and 15 are obviated by the amendments of these claims.

The objection to the drawings is obviated by the amendments to Figures 1 and 2, the deletion of Figure 7 and the amendment of the specification. In Figures 1 and 2, reference characters 42Bk, 43Bk, and 44Bk and 45 Bk are illustrated. This is supported at pages 101 and 102 of the specification.

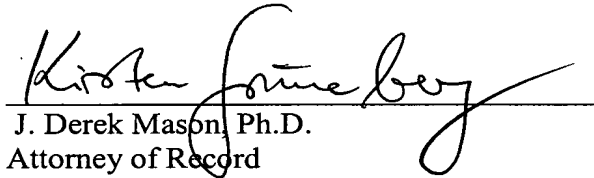
The objection to the specification is obviated by the amendment of the specification.

The Examiner has noted that she did not receive the claims and abstract of the related cases filed on November 28, 2003, and September 23, 2004. The requested documents were filed together with a response on November 22, 2005.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "J. Derek Mason", is written over a horizontal line.

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